



Town of Groton, Connecticut

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Meeting Minutes

Town Council

Mayor Harry A. Watson, Councilors Dean Antipas, Kathryn M. Brown-Tracy, Bruce S. Flax, Catherine Kolnaski, Deborah B. Monteiro, Frank O'Beirne, Jr., Rita M. Schmidt, and Paulann H. Sheets

Tuesday, July 7, 2009

7:30 PM

Town Hall Annex - Community Room 1

REGULAR MEETING

I. ROLL CALL

The meeting was called to order at 7:31 p.m. by Mayor Harry Watson.

Members Present: Mayor Watson, Councilor Brown-Tracy, Councilor Flax, Councilor Kolnaski, Councilor Monteiro, Councilor O'Beirne, Jr. and Councilor Schmidt

Members Absent: Councilor Antipas and Councilor Sheets

Also present were Town Manager Mark Oefinger, Assistant to the Town Manager Lee Vincent, and Office Assistant Lori Watrous.

II. SALUTE TO THE FLAG

The Salute to the Flag was led by Lian Obrey.

III. RECOGNITION, AWARDS & MEMORIALS

Presentation of Plaques to Heather Bond and James Streeter

Mayor Watson presented plaques to two former Town Councilors as an expression of gratitude for their dedicated service. Heather Sherman Bond served from November 5, 2003 through March 18, 2009 and James L. Streeter served from November 9, 2005 through May 11, 2009.

PUBLIC HEARING:

2009-0175 Public Hearing on an Ordinance for Thames Street Rehabilitation

PUBLIC HEARING ON AN ORDINANCE APPROPRIATING \$10,725,000 FOR THAMES STREET REHABILITATION AND AUTHORIZING THE ISSUE OF BONDS AND NOTES IN THE SAME AMOUNT TO FINANCE SAID APPROPRIATION

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GROTON:

Section 1. That the sum of TEN MILLION SEVEN HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$10,725,000) is appropriated for design and reconstruction of Thames Street and intersections of adjoining streets from Bridge Street to Eastern Point Road and Smith Street. The project shall include clearing and excavation; reconstruction of existing pavement and base materials; installation or reconstruction of curbing, sidewalks, guardrails, handicap ramps and crosswalks; rebuilding, construction of, and repairs to retaining walls; reconstruction of storm drainage systems; relocation or reconstruction of other necessary utilities; traffic signal upgrades; installation of decorative street lighting and other streetscape improvements; and landscaping and related improvements. The Town Council may reduce or modify the scope of the project and the entire appropriation may be spent on the project as so reduced or modified. The appropriation may be spent for design and construction costs, equipment, materials, site improvements, easement acquisition, engineering fees, legal fees, net interest on borrowings and other financing costs, and other expenses related to the project or its financing.

Section 2. That the Town issue bonds or notes, in an amount not to exceed TEN MILLION SEVEN HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$10,725,000) to finance the appropriation for the project. The bonds or notes shall be issued pursuant to Section 7-369 of the General Statutes of Connecticut, Revision of 1958, as amended, and any other enabling acts. The bonds or notes shall be secured by the irrevocable pledge of the full faith and credit of the Town of

Groton. The Town does hereby covenant and agree with the holders of the bonds or notes and all notes issued in anticipation of the receipt of the proceeds from the sale of such bonds or notes that in each year while any such bonds or notes are outstanding, it will levy and collect ad valorem taxes upon all taxable properties within the Town in an amount sufficient, with such other funds of the Town as shall be available for such purpose, to pay the interest and principal on the bonds or notes as the same become due and payable.

Section 3. That the Town issue and renew temporary notes from time to time in anticipation of the receipt of the proceeds from the sale of the bonds or notes for the project. The amount of the notes outstanding at any time shall not exceed TEN MILLION SEVEN HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$10,725,000). The notes shall be issued pursuant to Section 7-378 of the General Statutes of Connecticut, Revision of 1958, as amended. The notes shall be secured by the irrevocable pledge of the full faith and credit of the Town, payable as provided in Section 2. The Town shall comply with the provisions of Section 7-378a of the General Statutes with respect to any notes that do not mature within the time permitted by said Section 7-378.

Section 4. That the Town Council shall determine the amount of bonds or notes authorized by Section 2 to be sold. The Town Manager and the Director of Finance shall determine the amount of any temporary notes authorized by Section 3 to be sold. The Town Manager and the Director of Finance of the Town shall sign any bonds or notes by their manual or facsimile signatures. The law firm of Day Pitney LLP is designated as bond counsel to approve the legality of the bonds or notes. The Town Manager and the Director of Finance are authorized to determine the dates, interest rates, maturities, redemption provisions, form and other details of the bonds or notes; to provide for the keeping of a record of the bonds or notes; to designate one or more banks or trust companies to be certifying bank, registrar, transfer agent and paying agent for the bonds or notes; to designate a financial advisor to the Town in connection with the sale of the bonds or notes; to sell the bonds or notes at public or private sale; to deliver the bonds or notes; and to perform all other acts which are necessary or appropriate to issue the bonds or notes.

Section 5. That the Town hereby declares its official intent under Federal Income Tax Regulation Section 1.150-2 and, if applicable, pursuant to Section 54A(d) of the Internal Revenue Code of 1986, as amended, that project costs may be paid from temporary advances of available funds and that the Town reasonably expects to reimburse any such advances from the proceeds of borrowings, including qualified tax credit bonds, in an aggregate principal amount not in excess of the amount of borrowing authorized above for the project. The Town Manager and the Director of Finance are authorized to amend such declaration of official intent as they deem necessary or advisable and to bind the Town pursuant to such representations and covenants as they deem necessary or advisable in order to maintain the continued exemption from federal income taxation of interest on the bonds or notes authorized by this ordinance if issued on a tax-exempt basis, including covenants to pay rebates of investment earnings to the United States in future years.

Section 6. That the Town Manager and the Director of Finance are authorized to make representations and enter into written agreements for the benefit of holders of the bonds or notes to provide secondary market disclosure information, which agreements may include such terms as they deem advisable or appropriate in order to comply with applicable laws or rules pertaining to the sale or purchase of such bonds or notes.

Section 7. That the Town Manager, the Director of Finance, and other proper officers of the Town are authorized to take all other action which is necessary or desirable to complete the project and to issue bonds or notes to finance the aforesaid appropriation.

Section 8. This ordinance shall become effective only if it has been adopted by vote of not less than five (5) members of the Town Council and by the Representative Town Meeting, and only if the appropriation set forth in Section 1 and the issuance of bonds and notes to finance said appropriation have been approved by the voters at referendum in accordance with Sections 5.5.5.1 and 9.13 of the Town Charter, and notice of passage has been published in accordance with the provisions of the Town Charter.

Heard at Public Hearing

Mayor Watson called a recess for the Public Hearing at 7:35 p.m.

The Notice of Public Hearing pursuant to a resolution passed by the Town Council was read by Office Assistant Lori Watrous.

Tony Ciriello and Tom Sheil of Milone & MacBroom gave a brief overview of the Thames Street Rehabilitation Study. Mr. Ciriello stated that the deteriorating condition of the pavement would require full-depth reconstruction. He discussed the evaluation of the retaining walls and various aspects of the project, and assured the public that close communication would be maintained with Groton Utilities, Yankee Gas, and AT&T throughout the project. Mr. Sheil noted that whole sections of the street have failed structurally and improvements would include the following: new sidewalks, full-depth reconstruction of the road, new granite curbing, lighting, on-street parking, railings for the walls, new retaining walls where necessary, and crosswalks. Mr. Ciriello then commented that the cost of the project is all-inclusive, encompassing construction costs, inspection costs, legal fees, and financing.

Mayor Dennis Popp introduced members of the Thames Street Rehabilitation Project Committee and expressed his thanks to them. The Mayor stated that the Thames Street area continues to get worse everyday and rehabilitation is desperately needed.

City Planner Barbara Goodrich stated that studies and plans for this area date back to the 1970's, and that at this point even the patching is failing. She noted that 200 feet of retaining wall fell onto Electric Boat property and was repaired by them. Acknowledging that the cost of the project is high, Ms. Goodrich stated that this is due to the unique features of the street, i.e., the proximity to the Thames River and the retaining walls. She remarked that it will be a difficult project, and there will be an effort to maintain the character of this historic street and neighborhood. Ms. Goodrich concluded by stating that this is a critical project.

Lian Obrey, 141 Shennecossett Parkway, reminded everyone that this area is a "diamond in the rough". She added that the entire Town will benefit from increases in availability for businesses and growth in housing, then noted that this is a good project not only for the City, but for the entire Town of Groton.

Mike Nahornick, 441 Hazelnut Hill Road, has worked in construction for over thirty years. He has checked with other Towns that have adopted ordinances regarding a responsible employee policy for contractors to ensure standard wages, medical insurance, affiliation with apprenticeship programs, and OSHA10 compliance. In an ordinance such as this, the Town could stipulate that a certain number of the workers be Groton residents.

Jim Streeter, 64 Pleasant Street, historian, life-long resident of Groton, City Councilor, and former Town Council liaison to the Thames Street Rehabilitation Project Committee stated that this will benefit the entire Town. This area was formerly a hub for many businesses in the Town, and currently it is the primary travel route for Electric Boat, Pfizer, and the UConn Avery Point campus. Mr. Streeter remarked that the restoration is a must, and the committee's approach has been a frugal one. He believes that activity in this area will resume when the proposed revitalization is complete.

Janet Kepner, 372 Meridian Street Extension, is in support of this project and believes that Thames Street can become a beautiful area with possible tourist attractions.

Hali Keeler, 45 Ramsdell Street, member of the Thames Street Rehabilitation Project Committee, is strongly in favor of the proposed plans to rehabilitate Thames Street. Ms. Keeler remarked that parts of the street are literally supported by the basement walls of some of the historic buildings on Thames Street, some of which are themselves in poor condition. She remarked that this is a town-wide problem, not a beautification project. Ms. Keeler stated that Thames Street is collapsing and it is not a matter of if, but when, and it is a shame that our historic waterfront has

been allowed to deteriorate this way.

Russell Sergeant, Mystic, stated that the zoning provides a mixture of uses for Thames Street. He noted the need for parking and continuous sidewalks, and he would like to see more business activity in this area.

Ralph Scott, 190 Thames Street, stated that his house actually shakes when large trucks go down the road. He believes that the street simply cannot withstand the number of trucks that travel on it, and he sees patches being done to the road continually. Mr. Scott knows that with the architectural features of the area, it can be revitalized.

There being no further comments, Mayor Watson closed the Public Hearing at 8:30 p.m.

The Mayor declared a brief recess, and the meeting resumed at 8:39 p.m.

IV. RECEIPT OF CITIZENS' PETITIONS, COMMENTS AND CONCERNS

Brad Julian, 87 Starr Hill Road, stated that he has worked very hard to keep his house in good condition, but it is greatly affected due to the poor condition of Mardie Lane. Residents of the area would like to know what action is being taken and when a new road will be constructed. He is concerned because several real estate transactions have occurred, and it was his understanding that these buildings could not be sold without a Certificate of Occupancy and yet these buildings continue to be sold.

V. RESPONSES TO CITIZENS' PETITIONS, COMMENTS AND CONCERNS

Mayor Watson stated that the Council has discussed Mardie Lane in Executive Session with the Town Attorney and they are not yet at liberty to discuss the outcome of these discussions publicly. He suggested that Mr. Julian contact the Town Manager's office.

VI. CONSENT CALENDAR

a. Approval of Minutes

2009-0172 Approval of Minutes (Town Council)

RESOLUTION ACCEPTING TOWN COUNCIL MINUTES

RESOLVED, that the minutes of the Town Council meetings of June 16, 2009 and June 23, 2009 are hereby accepted and approved.

This Matter was Adopted on the Consent Calendar.

b. Deletions from the Town Council Referral List

2009-0111 Fire Districts PILOT Program

This Matter was Deleted from Referral List - No further action on the Consent Calendar.

2009-0160 Resolution Setting a Public Hearing to Consider Alterations on Sandy Hollow Road (Leuba)

This Matter was Deleted from Referral List - No further action on the Consent Calendar.

2009-0164 Resolution Setting a Public Hearing Date on an Ordinance on the Thames Street Rehabilitation Project

This Matter was Deleted from Referral List - No further action on the Consent Calendar.

2009-0167 Fiscal Impact Statement - Thames Street Rehabilitation Project

This Matter was Deleted from Referral List - No further action on the Consent Calendar.

2009-0165 Naming of G&S Trolley Trail

This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.

2009-0171 GMEA/CILU Bargaining Agreement

This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.

2009-0173

Authorization for Surveys of Town-Owned Properties Associated with the National Battlefield Protection Grant

This Matter was Deleted from Referral List - Action to be taken on the Consent Calendar.

Passed The Consent Calendar

A motion was made by Councilor Monteiro, seconded by Councilor Schmidt, to adopt the Consent Calendar, including all the preceding items marked as having been adopted on the Consent Calendar.
The motion carried unanimously

VII. COMMUNICATION REPORTS (Other than Committee Reports)

a. Town Councilors

Councilor Brown-Tracy received emails concerning car wash/detailing of ambulances.

Councilors Schmidt, Monteiro, and Flax received the same emails.

Councilor Kolnaski attended Fitch Senior High School Graduation, a ribbon-cutting at Clinical Laboratory Partners, an Introduction to Genealogy program at the Library, a Senior Center Coordinating Council meeting, a Phase II School Design Committee meeting, and the 4th of July parade. She received questions from two individuals regarding the length of time it is taking for the burnt building on Route 1 to be removed.

Mayor Watson attended the Fitch Senior High School Graduation, a Council of Governments meeting, the Change of Command at the SubBase. He also made the opening remarks for "Relay for Life". He received the GAF newsletter which stated that they have received 33% of their pledge of \$200,000; a letter from the Mystic and Noank Library requesting Groton to reconsider its funding levels; an email from Bob Congdon, President of Groton Long Point regarding twenty trees that fell in the recent storm and others that are in danger of coming down in future storms; and a letter from Joan Smith of GOSA requesting that the Copp Property not be considered as a potential location for a Community Center.

b. Clerk of the Representative Town Meeting

The next meeting of the RTM will be on July 15, 2009, at which it will consider the Bridge Street appropriation.

c. Clerk of the Council

Office Assistant Lori Watrous stated that Citizenship Day will be scheduled for mid-September and requested interested Councilors to become part of the committee. She remarked that due to a resignation on the Community Development Advisory Committee, it will be difficult to obtain a quorum. This committee currently has 4 vacancies (2 members/2 alternates). Other boards and commissions that are in great need of additional members are the Water Pollution Control Authority (2 members) and the Historic District Commission (3 alternates). Ms. Watrous also noted that saltwater fishing licenses are being sold and the demand has been both constant and heavy, with over 50 sold on Monday alone.

d. Town Manager

Due to the recent storm, the Town is in the process of putting together an After-Action Report for the Weekly Status Report. The Town Manager received an email from Superintendent of Schools Paul Kadri inviting the Council to a joint meeting with the Board of Education and the Phase II School Design Committee on July 13, 2009. Mr. Oefinger announced that the Parks and Recreation Department and its consultant will make a presentation regarding the Master Plan on July 27, 2009. He noted that the fireworks on the Thames River will be on July 11, 2009, and the Connecticut PGA Senior Open will be at Shennecossett Golf Course on July 13-14, 2009. The Town Attorney will give a public briefing at the Committee of the Whole meeting on July 14, 2009 regarding the status of the 22 Library Street property.

e. Town Attorney

No report.

VIII. COMMITTEE REPORTS

a. Community & Cultural Development - Chairman Brown-Tracy

No meeting, no report.

b. Economic Development - Chairman Flax

No meeting, no report.

c. Education/Health & Social Services - Chairman Kolnaski

No meeting, no report.

d. Environment/Energy - Chairman Sheets

No meeting, no report.

e. Finance - Chairman Schmidt

No meeting, no report.

f. Personnel/Appointments/Rules - Chairman O'Beirne

No meeting, no report.

g. Public Safety - Chairman Monteiro

No meeting, no report.

h. Public Works/Recreation - Chairman Antipas

No meeting, no report.

i. Committee of the Whole - Mayor Watson

The Committee of the Whole met and discussed the items on tonight's agenda. Mayor Watson stated that prior to tonight's meeting there was a Special Committee of the Whole meeting to discuss the Town Manager's salary.

IX. UNFINISHED BUSINESS

None.

X. NEW BUSINESS

2009-0165 Naming of G&S Trolley Trail

RESOLUTION NAMING THE G&S TROLLEY TRAIL

WHEREAS, the Town is completing a recreational-use trail that follows the right-of-way known as Lily Lane, and

WHEREAS, the opening of the new trail segment will serve as a connection with other segments of a cross-town "bikeway," and

WHEREAS, the name of Lily Lane, which has traditionally been applied to the right-of-way in which a portion of the trail is laid, does not have historical significance within the Town, and

WHEREAS, the new trail lies along a historically significant transportation corridor in which the Groton and Stonington Railway operated electric trolley service from 1904 to 1928, and

WHEREAS, the Town's Parks and Recreation Commission voted unanimously to recommend that the trail be named "G&S Trolley Trail," now therefore be it

RESOLVED, that the Town Council hereby names this segment of the bike trail as "The G&S

Trolley Trail."

A motion was made by Councilor Monteiro, seconded by Councilor Kolnaski, that this matter be Adopted.

The motion carried unanimously

2009-0171

GMEA/CILU Bargaining Agreement

RESOLUTION APPROVING A SUCCESSOR COLLECTIVE BARGAINING AGREEMENT WITH THE GROTON MUNICIPAL EMPLOYEES ASSOCIATION (GMEA), UE222/CILU LOCAL 62

WHEREAS, the Town of Groton and the Groton Municipal Employees Association, UE222/CILU Local 62 engaged in discussions regarding a successor collective bargaining agreement that would be effective and/or retroactive to July 1, 2009, and

WHEREAS, two options were considered and subsequently approved by the union pending approval by the Town Council, and

WHEREAS, approval of a two-year agreement with the GMEA bargaining unit and the funds necessary to implement that agreement is recommended by the Town's negotiators, now therefore be it

RESOLVED, the Groton Town Council hereby approves the expenditure of funds necessary to implement a two-year agreement between the Town of Groton and the Groton Municipal Employees Association, UE222/CILU Local 62 for a successor collective bargaining agreement, for the period July 1, 2009 through June 30, 2011.

A motion was made by Councilor Schmidt, seconded by Councilor Brown-Tracy, that this matter be Adopted.

The motion carried unanimously

2009-0173

Authorization for Surveys of Town-Owned Properties Associated with the National Battlefield Protection Grant

RESOLUTION AUTHORIZING ARCHAEOLOGICAL ACTIVITIES BY THE MASHANTUCKET PEQUOT MUSEUM AND RESEARCH CENTER.

WHEREAS, the Mashantucket Pequot Museum and Research Center ("Research Center") is the grantee for a project under the Battlefield Protection Program of the National Park Service, and

WHEREAS, a previous grant identified a number of research areas associated with the Battlefields of the Pequot War of 1636-1638, and

WHEREAS, the Research Center's project is aimed at identification and documentation of the sites of the Battle of Mystic Fort, and

WHEREAS, the archaeological research on Town-owned properties will include walkover of sites, use of metal detectors, and limited archaeological investigation to recover and identify objects located during a metal detector survey, and

WHEREAS, prior to any archaeological investigations the Town of Groton will be notified by telephone and letter as to the precise date the investigations will take place, and

WHEREAS, no archaeological investigations in the form of excavations will take place without the express permission of the Town of Groton, and

WHEREAS, if archaeological excavations are allowed by the Town of Groton, the land shall be restored to its pre-existing condition, and

WHEREAS, any person entering the properties does so at their own risk, and the Town of Groton bears no responsibility for injury or loss, and

WHEREAS, the Town of Groton will receive a preliminary report of the findings within one month of the investigations and will receive a copy of the final report within six months of completion of the project, and

WHEREAS, the Town Council has been informed that assurances identical to those above are being offered to private owners of property on which the Research Center wishes to conduct archaeological investigations, and that such property owners will be invited to be present during any investigations, now therefore be it

RESOLVED, that the Town Council authorizes the Mashantucket Pequot Museum and Research Center, its employees, volunteers, and others who are acting under the auspices of the above-noted project to enter upon Town properties as listed by attachment to this resolution, and to conduct appropriate archaeological and historical investigations thereon from June 2009 through June 2011.

A motion was made by Mayor Watson, seconded by Councilor Kolnaski, that this matter be Adopted.

The motion carried unanimously

XI. OTHER BUSINESS

None.

XII. ADJOURNMENT

A motion to adjourn at 9:00 p.m. was made by Councilor Kolnaski, seconded by Councilor Monteiro and so voted unanimously.

Attest:

*Barbara Tarbox, Town Clerk
Clerk of the Council*

Lori Watrous, Office Assistant